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## TOWN OF UXBRIDGE

☒ Meeting

☐ Cancellation

Board or Commission: PLANNING BOARD

Meeting Date: OCTOBER 13, 2010 at 7:00 PM

Place: BOARD OF SELECTMEN'S ROOM

Authorized Signature: \_\_\_\_\_

*Donna C. Hardy*

FY11-02 Hunting Whip Lane – Application for a Definitive Plan Approval

The applicant/owner of record Marcia G. Ferro is seeking a Definitive Subdivision Plan for Hunting Whip Lane, located off of Chestnut Street and has three (3) proposed lots. The plan is recorded in the Worcester Registry of Deeds Plan Book 32687, Page 390.

AMEND CHAPTER 400 ARTICLE V GENERAL REGULATIONS OF THE ZONING BYLAWS – COMMON DRIVEWAYS

To see if the Town will vote to amend Chapter 400 ARTICLE V General Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-15 to be titled COMMON DRIVEWAYS

400-15 Common Driveways

A. Purpose

The purpose of this by-law is to promote public safety; avoid the alteration of the physical appearance of the land; minimize the alteration of wetland resource areas and topographical characteristics, including the removal of rock outcrops, significant fill or grading, removal of trees and other vegetation, or the removal of buildings of historical or architectural merit. All driveways shall be constructed in a manner ensuring reasonable and safe access for all vehicles including, but not limited to, emergency, fire and police vehicles.

B. Applicability

1. Common driveways, serving not more than two (2) lots are allowed by right.
2. Common driveways serving between three (3) and four (4) lots may be allowed by special permit in all zoning districts. Common driveways may not serve more than four (4) lots.

C. Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for three (3) or more common driveways.

1. The Planning Board shall consider recommendations from the Police Chief, the Fire Chief, the Highway Superintendent and the Town Engineer.
2. The Planning Board may establish and assess reasonable fees for the permit application.
3. Strict compliance with the requirements of this by-law may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with this by-law. In waiving strict compliance, the Board

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may require such alternative conditions as will serve substantially the same objective as the standards being waived. Further, the Planning Board may adopt, and from time to time amend regulations, policies, or lend guidance in the implementation and administration of this by-law.

#### D. Administration

The submittal package shall include the Special Permit Application Form, a certified abutters list for all property owners within 300 feet of the properties being served, a plan showing the proposed driveway presented at a suitable scale to show the scope and intent of the proposed project, and the permit application fee as identified herein. Applicants for common driveway approval shall submit twelve (12) copies of the application package to the Planning Board office. Within three (3) business days thereafter the Planning Board shall forward a copy of the application to the Police Chief, Fire Chief, Highway Superintendent and the Town Engineer.

#### E. Design Requirements

1. Lots to be served shall have at least the minimum required frontage on a town way as required by the Zoning By-law in effect at the time they were created.
2. Lots to be served by a common driveway must meet the dimensional standards of the Zoning By-law in effect at the time they were created.
3. The common driveway shall be located entirely within the boundaries of the lots being served thereby.
4. The Grade of the Common Driveway shall not exceed 10% unless the Planning Board shall grant a waiver of this requirement after a determination that said driveway will provide safe and reasonable access for vehicles.
5. The Driveway Centerline intersection with the street centerline shall not be less than (forty-five) 45 degrees.
6. No driveway will be constructed that ties to an accepted Town way in a manner that interferes with Town road drainage.

#### F. Construction and Operational Requirements

1. The Driveway Centerline intersection with the street centerline shall not be less than (forty-five) 45 degrees.
2. No driveway will be constructed that ties to an accepted Town way in a manner that interferes with Town road drainage.
3. The Common Driveway shall have a minimum cleared width of eighteen (18) feet if less than or equal to three hundred (300) feet in length, and twenty-two (22) feet if greater than three hundred (300) feet in length.
4. Driveways shall be constructed with a durable material, graded and suitably maintained to the extent necessary to avoid any nuisance by reason of erosion or water flow onto adjoining property.
5. A paved apron of at least twenty (20) feet in length shall be constructed at the Common Driveway - street intersection to ensure that dirt and debris is not tracked into the street.
6. No parking shall be allowed on the commonly used portion of the common driveway.
7. The house numbers of the lots serviced by the common driveway shall be clearly posted at both the street and the split in the common driveway.

#### G. Required Documents

Proposed documents shall be submitted to the Planning Board demonstrating, to the satisfaction of the Planning Board, that, through easements, restrictive covenants or other appropriate legal devices, the maintenance, repair, snow removal and liability of the common driveway shall remain perpetually the responsibility of the private parties or their successors-in- interest.

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1. Said documents shall be recorded at the Registry of Deeds, and a copy of said recorded documents shall be provided to the Planning Board prior to issuance of a building permit for any structure to be served by the common driveway.
2. A covenant shall be entered into between the owner or developer and the Town, in a form acceptable to the Planning Board, prohibiting the issuance of an occupancy permit for any structure to be served by the common driveway until such time as the common driveway has been constructed in accordance with this Bylaw.
3. Completion of Declaration of Common Driveway Maintenance Covenant.

Or take any other action related thereto.

#### **AMEND CHAPTER 400 ARTICLE VII SPECIAL RESIDENTIAL REGULATIONS OF THE ZONING BYLAWS – RETREAT LOTS**

To see if the Town will vote to amend Chapter 400 ARTICLE VI Special Residential Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-32 to be titled RETREAT LOTS:

For the purpose of providing reasonable use of backland, for single family residential use, there may be established so called retreat lots, also called pork chop lots or hammer head lots, the building upon which may be authorized by the Planning Board subject to the following conditions:

- A. Such lot shall be entirely within residential zoning district R-A, R-B, R-C or the Agriculture Zone.
- B. Such lot shall have a minimum street frontage of (thirty) 30 feet and a width of not less than thirty (30) feet at all points between the street and the nearest part of the principal building.
- C. The area of such lot shall be at least 1.5 times the minimum area otherwise required.
- D. Such lot shall otherwise be in compliance with all other requirements of the Zoning Bylaws applicable to the zoning district in which such lot is located.
- E. Such lot shall not have contiguous frontage with any other lot owned by the same individual, group of individuals, or other common entity that has been granted a building permit pursuant to this section.
- F. No building permit shall be issued pursuant to this section unless such lot is situated on a public way/private way in the Town of Uxbridge.
- G. Any dwelling constructed on such lot shall be a single-family home.
- H. Once a retreat lot with reduced frontage is approved by the Planning Board, it can not be subsequently divided into further lots.

Or take any other action related thereto.

#### **AMEND THE ZONING BYLAWS SECTION 400-13, APPENDIX B – TABLE OF DIMENSIONAL REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaws Section 400-13, Appendix B – Table of Dimensional Requirements, footnote 3 by adding the language after the word “Plus” ...”for an Apartment House...” and deleting the word “dwelling” and replacing it with “apartment”. The amended footnote should read “Plus, for an Apartment House, 8,000 square feet per additional apartment unit over one (1) up to four (4) apartment units per lot.

#### **AMEND ARTICLE X, DEFINITIONS**

To see if the Town will vote to amend the text of article 13 as passed at the May 11, 2010 Annual Town Meeting by amending Chapter 400 of the Town of Uxbridge Zoning Bylaws in the following manner:

1. Amend ARTICLE X, DEFINITIONS by adding:  
“Life Science and Life Science Technology: Any of the several branches of science and technology that deal with living organisms and their organization. The use, production, manufacture, or storage of Recombinant DNA is prohibited without first obtaining a PERMIT issued by the Board of Health”.
2. Amend Appendix A, Table of Use Regulations by adding under “D. Commercial Uses” the following:  
“Life Science and Life Science Technology” and by placing the letters “N” in the columns R-A, R-B, R-C, and A; and “Y” in the columns “B” and “I”. And by adding to the “Key” at the end of the table of uses:

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**"The use, production, manufacture, or storage of Recombinant DNA is prohibited without first obtaining a PERMIT issued by the Board of Health".**

**CITIZEN PETITION FOR THE ACCEPTANCE OF CASSIE LANE – cont'd**

To see if the Town will vote (a) to accept as a public way the street known as Cassie Lane as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by gift easements and appurtenant rights in and for said way for the purposes for which other public ways are used in the Town; or to take any other action relating thereto. Said plans are recorded at the Worcester County Registry of Deeds as Plan Book 741, Pg 14.

**CITIZEN PETITION FOR THE ACCEPTANCE OF JODIE CIRCLE – cont'd**

To see if the Town will vote (a) to accept as a public way the street known as Jodie Circle as laid out by the Board of Selectmen, a copy of which layouts are on file with the Town Clerk; (B) to authorize the Board of Selectmen in the name and behalf of the town to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said ways for the purposes for which public ways are used in town; and (C) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto. Said plans are recorded at the Worcester County Registry of Deeds as Plan Book 472, Page 15.

**CITIZEN PETITION FOR THE ACCEPTANCE OF JULIA DRIVE – cont'd**

To see if the Town will vote (a) to accept Julia Drive as a public way, laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, purchase, or eminent the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto. Said plans are recorded at the Worcester County Registry of Deeds as Plan Book 722, Page 28.

**CITIZEN PETITION FOR THE ACCEPTANCE OF LONG MEADOW ROAD – cont'd**

To see if the Town will vote (a) to accept Long Meadow Road as a public way, laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, purchase, or eminent the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto. Said plans are recorded at the Worcester County Registry of Deeds as Plan Book 706, Page 23.

**CITIZEN PETITION FOR THE ACCEPTANCE OF STANPHYL ROAD – cont'd**

To see if the Town will vote (a) to accept Stanphyl Road as a public way, laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, purchase, or eminent the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto. Said plans are recorded at the Worcester County Registry of Deeds as Plan Book 725, Page 90.

**CITIZEN PETITION FOR THE ACCEPTANCE OF FOXWOOD LANE, DEER VIEW LANE AND WILDLIFE DRIVE – cont'd**

To see if the Town will vote (a) to accept Foxwood Lane, Deer View Lane and Wildlife Drive as a public ways, laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, purchase, or eminent the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto. Said plans are recorded at the Worcester County Registry of Deeds as Plan Book 722, Page 28; Plan Book 725, Pages 89 and 90; Plan Book 706, Page 23.

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**FY11-01 Conservation Design – Vanderzicht, Application for a Definitive Plan Approval and a Special Permit Application – cont'd** The owner of record Vanderzicht Realty Trust and Keith & Sherri Vanderzicht and applicant of record Carol Hansen are seeking a Definitive Plan Approval and Special Permit for Conservation Design - Vanderzicht, located on the east by Rawson Street and on the south by Williams Street. The property has seven (7) proposed lots and is shown on the Town of Uxbridge Assessor's Map 10, Parcels 2959, 3393, 3625 & 3645. The plan is recorded in the Worcester Registry of Deeds Plan recorded in the Worcester Registry of Deeds Plan Book 15031, Page 61.

**OLD/NEW BUSINESS:**

- Buttermilk Way
- Rose Lane
- ANR Plan – 143 Rivulet Street, Lot #5 (Map 11, Parcel 2436)
- Meadow Valley Estates
- Davis Heights
- Minutes/Mail/Invoices
- Any other business which may lawfully come before the Board.

Executive Session MGL C.39, Subsection 23B #3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body.

Respectfully submitted,  
Town of Uxbridge Planning Board

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